



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/723,761

11/26/2003

John Gavin MacDonald

KCX-1068 (19800)

9700

22827 7590 08/26/2010
DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

EXAMINER

CHAPMAN, GINGER T

ART UNIT

PAPER NUMBER

3761

MAIL DATE

DELIVERY MODE

08/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/723,761	Applicant(s) MACDONALD ET AL.	
	Examiner Ginger T. Chapman	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17, 18, 22-28, 32 and 34-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-18, 22-28, 32 and 34-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3761

DETAILED ACTION

Status of the Claims

Claims 17, 34 and 43 are amended, claims 17-18, 22-28, 32 and 34-45 are pending in the application.

Withdrawn objections:

The objection to claim 43 as being of improper dependent form for failing to further limit the subject matter of a previous claim, made of record in the previous Office action, is withdrawn in view of Applicants' amendment to the claim.

Response to Arguments

Applicant's arguments filed 14 July 2010 have been fully considered but they are not persuasive.

With respect to the rejection of claim 17 under 35 USC 112, second paragraph, made of record in the previous Office action, for reciting a carbon ink "consisting of activated carbon particles and at least one binder" renders the scope of the claim unclear because:

(1) the transitional phrase "consisting of" is a closed term that excludes any element, step, or ingredient not specified in the claim;

(2) while the term "and at least one binder" is open-ended and leaves the claim open for the inclusion of unlisted and unspecified ingredients even in major amounts and covers expressly recited subject matter, alone or in combination with unrecited subject matter and unspecified ingredients; thus the scope of the claim is ambiguous because the claim does not particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant; and

Art Unit: 3761

(3) each claim must be considered including the preamble language and the transitional phrases, and the uncertainties of claim scope should be removed, as much as possible, during the examination process.

Applicant argues the following: it is proper to allow for an open-ended recitation in a closed claim to allow for the possibility of more than one binder because coverage of one or more of certain ingredients is a common characteristic of Markush groups which also employ “consisting of” language; Applicant additionally argues that the Office statement in the previous Office action that multiple binders could materially alter the characteristic of the composition is misplaced since that language or standard of review only applies to the phrase “consisting essentially of”, since the claim does not recite “consisting essentially of” then even in a closed claim, it is proper to allow for the inclusion of multiple binders.

These arguments are not persuasive because: Applicants’ argument that this is similar to Markush groups is not persuasive because the courts have held that the phrase “group consisting of” is a closed term, which is often used to signal a “Markush group” that is by its nature closed, thus a Markush group is not an open-ended recitation as argued by Applicant. See MPEP § 2111.02 “Effect of Preamble”. Therefore the instant open-ended inclusion of unspecified ingredients is not analogous to reciting one or more of a certain specific ingredient within a closed Markush group since reciting “at least one binder” is not the same as reciting “a group consisting of at least one binder”.

Additionally, “at least one binder” is not “one or more of a certain ingredient” because “binders” broadly encompass many different ingredients since the term “binder” refers to a property that many substances possess rather than referring to a specific substance, i.e. both

Art Unit: 3761

cement and honey are known binders because they possess the properties of binding other substances together, thus any of the myriad substances capable of binding are binders, thus reciting “at least one binder” is not the same as reciting a specified or a certain ingredient.

Regarding Applicants arguments with respect to “consisting essentially of”, the examiner notes that Applicants amended the claim language reciting ink "consisting essentially of" particles and a binder in the amendment file date 01/21/2010 to overcome the disclosure of Fitting (EP 0 392 528) teaching ink consisting of activated carbon particles and a binder and surfactants (Office action, page 3, paragraph 6), in order to exclude additional components such as surfactants that would materially alter the characteristics of the composition, thus the instant open ended language in a closed ended claim appears to both include and exclude unspecified ingredients thus rendering the scope of the claims unclear.

With respect to the rejections under 35 USC 103(a) art rejections of the rejected claims: Applicant argues that Falat is directed to packaging material, doesn't disclose absorbent articles and contemplates an embodiment wherein the activated carbon ink and binder is applied to an impermeable hydrophobic LDPE film and one of ordinary skill would not be motivated to use or combine an impermeable hydrophobic film with sanitary napkins which are absorbent hydrophilic cellulose materials.

This argument is not persuasive for the following reasons: (1) the examiner agrees Falat expressly teaches using the activated carbon ink on films, however the disclosure of a preferred embodiment does not teach away from the entire disclosure of the patent, all of which must be considered in the analysis of obviousness, See *In re Burckel*, 201 USPQ 67, 70.

Art Unit: 3761

Falat teaches applying odor sorbent activated carbon and binder ink to flexible substrates and discloses additional embodiments wherein the substantially identical ink is on paper substrates, paper laminates (column 1, lines 49-51), paperboard (col. 1, line 15), is known to be suitable for filters, gas masks and other device to absorb and trap objectionable odors (col. 1, lines 15-16), for odor control suitable for absorbent inner soles for shoes, diaper containers, animal litter (col. 1, lines 25-32), liners, pouches, wrappers, to solve the problem of materials that generate objectionable odors (Abstract), thus Falat discloses the activated carbon ink is suitable for a range of substrates and products that include absorbent hydrophilic and cellulose materials; (2) The instant Specification at paragraphs [0029, 0057, 0069] and Examples 5 and 8 discuss film substrates as suitable embodiments of the instant claimed invention, as also claimed in dependent claims 25, 27, 40 and 42.

The rest of Applicants arguments are directed to the claims as amended and are answered in the detailed analysis of the claims below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites an activated carbon ink “consisting of activated carbon particles and at least one binder” renders the scope of the claim unclear because the open-ended recitation of “and at least one binder” is not in accordance with the closed-ended transitional phrase

Art Unit: 3761

“consisting of” because: (1) the transitional phrase “consisting of” is a closed term that excludes any element, step, or ingredient not specified in the claim; (2) the term “and at least one binder” is open-ended and leaves the claim open for the inclusion of unlisted and unspecified ingredients even in major amounts and covers expressly recited subject matter, alone or in combination with unrecited subject matter and unspecified ingredients; thus the scope of the claim is ambiguous because the claim does not particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant; and (3) each claim must be considered including the preamble language and the transitional phrases, and the uncertainties of claim scope should be removed, as much as possible, during the examination process. (4) binders broadly encompass many different ingredients since the term “binder” refers to a property that many substances possess.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 3761

Claim 17-18, 22-28, 32 and 34-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niki et al (US 6,657,098 B1) in view of Falat et al (US 6,639,004).

With respect to claim 17, Niki discloses a personal care product 20 comprising:

a liquid impervious baffle 22;

a liquid pervious liner 21;

an absorbent core 11 (column 2, lines 16-18) positioned between the baffle 22 and the liner 21 (column 1, lines 51-54 and lines 58-60); and

an odor sorbent substrate 1 positioned between the baffle 22 and the absorbent core 11 and between the liner 21 and the absorbent core 11 (column 2, lines 16-18), and wrapped around the absorbent core in a manner that one or more sides are left open (column 2, lines 16-23; fig. 2, teaching the odor sorbent substrate is wrapped around the core in a manner that the end sides are left open), wherein the substrate 1 has a surface 2 that is coated with a durable activated carbon ink (column 2, lines 25-49), the activated carbon ink consisting of activated carbon particles (column 4, line 16-21) and at least one binder (column 5, lines 1-12). Niki discloses the ink comprises activated carbon particles and at least one binder and discloses that various additives customarily employed can also be added, however Niki does disclose any other additives except for the activated carbon particles and at least one binder, therefore although Niki contemplates the possibility of other additives, Niki does not teach any specific additives and thus meets the claim.

In the alternative, Niki provides motivation for odor sorbent substrates comprising activated carbon particles and binder. Falat, at column 1, lines 40-60 and column 2, lines 22-26, provides motivation for odor sorbent substrates coated with durable carbon ink to absorb odors

Art Unit: 3761

from materials generating objectionable odors. Falat, at column 1, lines 53-56, teaches activated carbon inks commercially available under the name NUCCHAR sold by Westvaco Corporation, i.e. MeadWestvaco Corp, a company having headquarters and offices in the United States.

Careful review of the instant Specification, in particular at PG-Publication paragraphs [0022, 0045-0049; 0056-0059; 0068-71], Examples 1-10 indicates that the only working examples or descriptions of activated carbon ink disclosed are the commercially available activated carbon and binder inks supplied under the product designation NUCCHAR sold by MeadWestvaco. In particular, the only formulations of the claimed ink disclosed in the instant Specification are: NUCCHAR PMA Ink activated carbon and binder ink sold under the designation DPX-7861-49A consisting of 15 weight percent carbon, 11 weight percent styrene-acrylic binder and 74 weight percent water; and NUCCHAR PMA activated carbon and binder ink consisting of 15 weight percent carbon, 12 weight percent styrene-acrylic binder and 73 weight percent water.

Therefore the only activated carbon inks described in the instant Specification are the commercially sold NUCCHAR inks by MeadWestvaco; if said ink is commercially available it is *de facto* not novel.

Falat, at column 1, lines 53-56, teaches the suitability of activated carbon inks such as NUCCHAR inks for odor sorbent substrates, thus providing motivation for such, and at column 3, lines 2-20 Table 1, teaches activated carbon ink consisting of activated carbon particles and at least one binder (column 2, lines 47-49). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the activated carbon ink consisting of activated carbon particles and at least one binder as taught by Falat for the substrate

Art Unit: 3761

of Niki since Falat states that the benefit of such is that it absorbs waste odors and is durable, i.e. does not fall off of the substrate to which it is applied.

With respect to claim 18, Niki discloses the personal care product is selected from the group consisting of diapers, training pants, adult incontinent products, and feminine hygiene products (column 5, lines 48-52; column 4, lines 35-37).

With respect to claims 22-24, Niki discloses the claimed invention except for the activated carbon particles are present in an amount of between about 2 and 80 wt. % of the substrate on a dry basis, as recited in **claim 22**; about 5 and 75 wt. % as recited in **claim 23**; 10 and 30 wt. %, as recited in **claim 24**. Niki discloses activated carbon particles are present in an amount of up to 50 %, thus disclosing the general conditions of the claim and providing motivation for the bottom end of the range up to about 50%. Falat discloses the activated carbon particles are present in an amount up to 95% thus disclosing the upper end of the range and providing motivation for such; Falat discloses amounts of between about 2 and 80 wt. % of the substrate on a dry basis (col. 2, line 67 to col. 3, line 1), as recited in **claim 22**; about 5 and 75 wt. % (col. 3, line 3) as recited in **claim 23**; 10 and 30 wt. % (col. 2, line 67 to col. 3, line 1), as recited in **claim 24**. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the particles in the claimed ranges of amounts since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

With respect to claim 25, Niki discloses the substrate 1 (column 2, lines 25-27) contains a nonwoven web, paper web that can be airlaid or wetlaid or a combination thereof (column 3,

Art Unit: 3761

lines 13-33; column 5, lines 3-20). See also Falat discloses the substrate contains a film (col. 1, line 48) paper (col. 1, line 51) and combinations thereof (col 1, line 51-52).

With respect to claim 26, Niki discloses the substrate contains a wetlaid paper web (column 5, lines 3-15; column 5, lines 54-61 disclosing other methods of making the substrate).

The examiner notes that the manner in which the paper is formed, i.e. wet or air laid, is a product-by-process limitation drawn to the method of forming the paper. The claims are drawn to a product rather than methods of forming products. Even though the claim is limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). See MPEP § 2113.

The prior art discloses the substrate contains paper, thus disclosing the product; therefore the method of forming the paper does not lend additional patentable weight.

With respect to claim 27, Niki discloses the claimed invention except for the substrate contains a film. Niki, at column 5, lines 54-61, provides motivation for the substrate to comprise other members of the absorbent article. Falat at column 1, lines 41-52, teaches odor sorbent ink applied to flexible substrates including film, papers and other laminates for the purpose of absorption of objectionable odors, and teaches the suitability of film, thus providing motivation for such (col. 2, lines 44-46, col. 1, lines 48-52). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the substrate of

Art Unit: 3761

Niki as film as taught by Falat since Falat states, at column 2, lines 55-62, that such odor sorbent film substrates are suitable for use in many different applications where odor sorption is desired.

With respect to claims 28, 32 and 34, Niki discloses the claimed invention except for the binder is a styrene-acrylic binder (**claim 28**); the ink is applied to the substrate as an aqueous solution (**claim 32**); the activated carbon particles are present in the ink in a greater amount than the binder (**claim 34**). Niki discloses a binder applied to a substrate as an aqueous slurry and the activated carbon particles are present in the ink thus providing motivation for such. Niki discloses both activated carbon particles and binder thus disclosing the general conditions of the claim but remains silent on amounts. Falat teaches styrene-acrylic binders (column 2, lines 47-50); the ink applied to the substrate as an aqueous solution (col. 2, lines 53-56); the activated carbon particles are present in the ink in a greater amount than the binder (Table 1, column 3). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the styrene-acrylic binder and activated carbon particles in amounts applied as aqueous solutions as taught by Falat for the substrate of Niki since Falat states, at column 2, lines 37-51, that the benefit of using such binders and amounts of activated carbon particles is that it provides acceptable adhesion of the ink for coating flexible substrates and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

With respect to claim 35, Niki discloses a personal care product comprising a liquid impervious baffle 22; a liquid pervious liner 21; an absorbent core 11 (column 2, lines 16-18) positioned between the baffle 22 and the liner 21 (column 1, lines 51-54 and lines 58-60); and

Art Unit: 3761

an odor sorbent substrate 1 positioned between the baffle 22 and the absorbent core 11 and between the liner 21 and the absorbent core 11 (column 2, lines 16-18), and wrapped around the absorbent core in a manner that one or more sides are left open (column 2, lines 16-23; fig. 2, teaching the odor sorbent substrate is wrapped around the core in a manner that the end sides are left open), wherein the substrate 1 has a surface 2 that is coated with a durable activated carbon ink (column 2, lines 25-49), the activated carbon ink consisting of activated carbon particles (column 4, line 16-21) and a binder (column 5, lines 1-12).

Niki discloses the claimed invention except for the binder is a styrene-acrylic binder. Niki discloses a binder thus providing motivation for such and disclosing the general conditions of the claim. Falat discloses a styrene-acrylic binder (column 2, lines 47-50). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the styrene-acrylic binder as taught by Falat for the ink of Niki since Falat states, at column 2, lines 37-51, that the benefit of using such binder is that it provides acceptable adhesion of the ink for coating substrates.

With respect to claim 36, Niki discloses the personal care product is selected from the group consisting of diapers, training pants, adult incontinent products, and feminine hygiene products (column 5, lines 48-52; column 4, lines 35-37).

With respect to claims 37-39, Niki discloses the claimed invention except for the activated carbon particles are present in an amount of between about 2 and 80 wt. % of the substrate on a dry basis, as recited in **claim 37**; about 5 and 75 wt. % as recited in **claim 38**; 10 and 30 wt. %, as recited in **claim 39**. Niki discloses activated carbon particles are present in an amount of up to 50 %, thus disclosing the general conditions of the claim and providing

Art Unit: 3761

motivation for the bottom end of the range up to about 50%. Falat discloses the activated carbon particles are present in an amount up to 95% thus disclosing the upper end of the range and providing motivation for such; Falat discloses amounts of between about 2 and 80 wt. % of the substrate on a dry basis (col. 2, line 67 to col. 3, line 1), as recited in **claim 27**; about 5 and 75 wt. % (col. 3, line 3) as recited in **claim 38**; 10 and 30 wt. % (col. 2, line 67 to col. 3, line 1), as recited in **claim 39**. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the particles in the claimed ranges of amounts since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

With respect to claim 40, Niki discloses the substrate 1 (column 2, lines 25-27) contains a nonwoven web, paper web that can be airlaid or wetlaid or a combination thereof (column 3, lines 13-33; column 5, lines 3-20). See also Falat discloses the substrate contains a film (col. 1, line 48) paper (col. 1, line 51) and combinations thereof (col 1, line 51-52).

With respect to claim 41, Niki discloses the substrate contains a wetlaid paper web (column 5, lines 3-15; column 5, lines 54-61 disclosing other methods of making the substrate).

With respect to claim 42, Niki discloses the claimed invention except for the substrate contains a film. Niki, at column 5, lines 54-61, provides motivation for the substrate to comprise other members of the absorbent article. Falat at column 1, lines 41-52, teaches odor sorbent ink applied to flexible substrates including film, papers and other laminates for the purpose of absorption of objectionable odors, and teaches the suitability of film, thus providing motivation for such (col. 2, lines 44-46, col. 1, lines 48-52). Therefore it would have been obvious to one

Art Unit: 3761

having ordinary skill in the art at the time the invention was made to provide the substrate of Niki as film as taught by Falat since Falat states, at column 2, lines 55-62, that such odor sorbent film substrates are suitable for use in many different applications where odor sorption is desired.

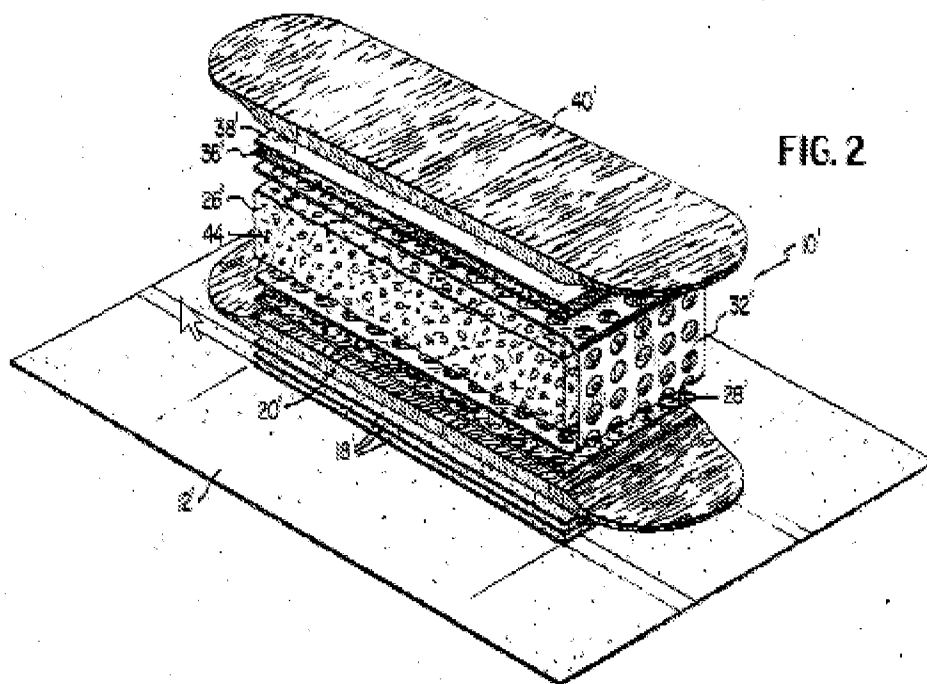
With respect to claims 43-46, Niki discloses the claimed invention except for expressly reciting a styrene acrylic binder (**claim 43**); the activated carbon particles are present in the ink in a greater amount than the binder (**claim 44**); the ink applied to the substrate as an aqueous solution (**claim 45**). Niki discloses a binder applied to a substrate as an aqueous slurry and the activated carbon particles are present in the ink thus providing motivation for such. Niki discloses both activated carbon particles and binder thus disclosing the general conditions of the claim but remains silent on amounts. Falat teaches styrene-acrylic binders (column 2, lines 47-50); the ink applied to the substrate as an aqueous solution (col. 2, lines 53-56); the activated carbon particles are present in the ink in a greater amount than the binder (Table 1, column 3). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the styrene-acrylic binder and activated carbon particles in amounts applied as aqueous solutions as taught by Falat for the substrate of Niki since Falat states, at column 2, lines 37-51, that the benefit of using such binders and amounts of activated carbon particles is that it provides acceptable adhesion of the ink for coating flexible substrates and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Art Unit: 3761

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Money (US 3,732,867) discloses an odor sorbent substrate wrapped around an absorbent core in a manner that one or more sides are left open:



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571)272-4934. The examiner can normally be reached on Monday through Friday 9:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3761

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ginger T Chapman/
Examiner, Art Unit 3761
08/23/10

/Tatyana Zalukaeva/

Supervisory Patent Examiner, Art Unit 3761